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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,174	02/08/2000	Yasuharu Katsuno	JA9-99-044	2214

7590

10/27/2003

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EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/500,174

Applicant(s)
KATSUNO et al.

Examiner
ELISEO RAMOS-FELICIANO

Art Unit
2681



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Feb 8, 2000 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3-5 6) ☐ Other:

Art Unit: 2681

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-10** are rejected under 35 U.S.C. 102(e) as being anticipated by Moon et al. (U.S. Patent Number 6,075,992).

Regarding **claims 1 and 7**, Moon et al.'s discloses a mobile communication system and method for calling one or more mobile stations located within a designated communication area as follows:

Art Unit: 2681

“An apparatus and method of automatically handling initiation of a call by a portable intelligent communications device to a designated recipient, including the steps of determining local time for the designated recipient and determining from the local time whether to permit initiation of the call to the designated recipient. The method also includes the steps of storing time zone information for the designated recipient and calculating from the designated recipient time zone information the local time. Additionally, the method will include the steps of storing at least one phone number for the designated recipient, storing a time range during which said designated recipient may be called at each phone number, and comparing the local time of the designated recipient to the stored time range. If the local time for the designated recipient falls within the time range for one of the stored phone numbers, the call is permitted to be initiated to the designated recipient by the portable intelligent communications device; otherwise, a message is indicated when the local time of the designated recipient is outside the time range for all the designated recipient phone numbers.” — abstract (emphasis added).

Therefore, Moon et al. discloses a mobile communication system and method for calling one or more mobile stations (recipients; e.g. mobile phone, see column 5, lines 14-15) located within a designated communication area (time zone) including: location storage means for storing the locations (e.g. time zone information) of the mobile stations; designation accepting means for accepting the designation of the communication area; mobile station selection means for selecting the mobile stations to be called based on the accepted communication area and the stored

Art Unit: 2681

locations of the mobile stations; and calling means for calling the selected mobile station to be called. See also Figure 7 and column 2, lines 18-64.

Regarding **claims 2-3**, Moon et al. discloses everything claimed as applied above (see claim 1). In addition, Moon et al. teaches that calls are placed in a designated time zone to one or more mobile stations located within a designated communication area. The designation accepting means accepts the designation of the time zone, and the mobile station selection means selects the mobile station to be called, based on the accepted communication area and the time zone and the stored location of the mobile station. See abstract.

Regarding **claims 4-5**, Moon et al. discloses everything claimed as applied above (see claim 1). In addition, a base station as claimed is inherent since the system is a mobile phone communication system; see column 5, line 15. A "calling device" does include the claimed components: location storage means, designation accepting means, mobile station selection means and calling means for calling as claimed. Location detection means as well as location notification means are included since the time zone where the mobile unity is located is determined; see the abstract, *inter alia*.

With respect to **claims 6 and 8**, they are the analogous reciprocal system and method claims of system and method *claims 1 and 7*, respectively. Therefore, they are rejected for the same reasons above.

Art Unit: 2681

With respect to **claims 9-10**, they are the corresponding recording medium (computer program) claims of system *claims 1/5 and 6*. Therefore, they are rejected for the same reasons above.

Citation of Pertinent Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Evensen et al. (U.S. Patent Number 6,097,945) discloses a method and system for handling of time zones when calling one or more mobile stations located within a designated comm area;

Rignell et al. (U.S. Patent Number 5,818,920) discloses a method and system for controlling communications based on time zones.

Conclusion

5. Any response to this Office action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306

for formal communications intended for entry, informal communications or draft communications; in the case of informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to

Crystal Park II
2121 Crystal Drive
Arlington, VA
Sixth Floor (Receptionist).

Art Unit: 2681

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is (703) 305-0078. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran, can be reached on (703) 305-4040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700, or call Group customer service at (703) 306-0377.

ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf
October 17, 2003.


SINH TRAN
PRIMARY EXAMINER